

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

CIVIL ACTION NO. 05-30022-KPN

ALL STATES ASHPALT, INC. AND)
NEW ENGLAND EMULSIONS CORP.,)
Plaintiffs,)
v.)
FIREMAN'S FUND INSURANCE COMPANY,)
Defendant.)

DEFENDANT'S CERTIFICATION
PURSUANT TO LOCAL RULE 16.1(D)(3)

Pursuant to Local Rule 16.1(D)(3), Defendant and its attorney hereby certify that they have conferred with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of the present litigation and to consider the use of alternative dispute resolution to resolve the present litigation such as that outlined in Local Rule 16.4.

Respectfully submitted,

The Defendant,
Fireman's Fund Insurance Company,

The Defendant,
Fireman's Fund Insurance Company,
By its attorney,

/s/ Gary Roach
By: Gary Roach
Its: Claims Manager

Dated: 6/14/05

/s/ Robert W. Harrington
Robert W. Harrington, BBO #223080
Law Offices of Robert W. Harrington
One Washington Mall
Boston, Massachusetts 02108
(617) 248-0800

CERTIFICATE OF SERVICE

I, Robert W. Harrington, hereby certify that on this date I served a true copy of the foregoing document upon all counsel of record by first-class mail, postage prepaid.

Dated: 6/15/05

/s/ Robert W. Harrington
Robert W. Harrington